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SD-6643
Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Parmeter

Group: 2856

Serial No: 09/826,502

Amendment:

Filed: April 4, 2001

Examiner:

For: *Explosives Screening on a Vehicle Surface*

Petition to Revive an Application Abandoned for
Unintentional Failure to Respond to a Notice to File Missing Parts

Mail Stop Petitions
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

1. Applicants petition under 37 CFR 1.37(b) for reinstatement of an application unintentionally abandoned due to our failure to understand unusual and incorrect correspondence received from the Office. This petition is filed in response to a Notice of Abandonment under 37 CFR 1.53(f) or (g), mailed October 22, 2003 and received October 27, 2003.
2. The application was filed by Express Mail on April 4, 2001, with a Declaration signed by four of inventors. Inventor Kevin Linker was unavailable to sign before the application was mailed.
3. Kevin Linker signed (in blue ink) a copy of the Declaration on April 23, 2001. That Declaration is submitted with this petition. This signed copy has been stored in our filed for an indeterminable time (probably since it was executed) with a sticky note reading "Hold for 'Missing Parts'".
4. A Filing Receipt, Confirmation No. 3035, was mailed to us on 6/4/01 and received 6/11/01. (Attachment A). This Filing Receipt noted that "If you received a 'Notice to File Missing Parts' for this application, please [reply]....."

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OFFICE OF PETITIONS

11/04/2003 SLUANG1 00000003 190131 09826502 We did not receive a Notice to File Missing Parts with this Filing Receipt.

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10/29/2003

5. A Withdrawal of Previously Sent Notice, Confirmation No. 3035, was mailed to us on 8/17/01 and received 8/24/01. (Attachment B). This paper stated: "It has come to the attention of the Office that the Notice on 06/04/01 was sent in error. Please disregard that Notice. **The application is complete and will be processed for examination.** [Emphasis added]. The Official Filing Receipt is enclosed. We apologize for any inconvenience this has caused.

This Withdrawal included as an attachment a Notice to File Missing Parts (Attachment C) because of the missing signature of inventor Kevin Linker. It did not include a Filing Receipt.

6. The process that our office has been using when applications are filed with Missing Parts is as follows: the clerk who prepares and mails the application keeps the file at her desk until the Notice to File Missing Parts arrives. This Notice is then docketed, and the file given to an agent/attorney for response.

7. In this case, the undersigned attorney believes the following occurred:

a. The file was kept at the desk of Viola Campos pursuant to the process of paragraph 6.

b. Attachment A included no Notice to File Missing Parts. Ms. Campos probably placed this paper in the file and probably kept it at her desk, waiting for the Missing Parts notice. I was in the middle of a three week vacation, so this matter was not brought to my attention.

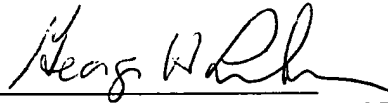
c. When Attachment B arrived Ms. Campos (or someone else, if she were absent) would have seen "The application is complete and will be processed for examination." on the top sheet of the package she removed from the envelope. In light of that page (Attachment B), she did not recognize the significance of the underlying pages (Attachment C). She filed all three pages in the application file and, as 'the application is complete and will be processed for examination', returned the file to the storage shelves. The file was not given to at agent/attorney; and the Notice to File Missing Parts was not docketed.

8. Since no action was docketed, the case never came up on our radar screen as having an action due. The aforementioned situation was not discovered until I looked at the file after receipt of the Notice of Abandonment.

9. Applicants petition under 37 CFR 1.37(b) for reinstatement of an application unintentionally abandoned due to our failure to understand the unusual and incorrect correspondence we received from the Office. The entire delay was unintentional, and is being responded to promptly after we became aware of the problem.

10. The \$1330 fee, and any additional fees, or credit any overpayments, are authorized to be charged to Applicants' Deposit Account on an attached Fee sheet.

9. According to the November 2002 Official Gazette, new cases in Group 2600 that were filed August 2001 were being examined. This case was filed April 2001. Accordingly, a Terminal Disclaimer for 17 months, the period of delay in examining the case, is enclosed.



George H. Libman, Reg. No. 27,984

Attorney for Applicants

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Certificate of Transmission

I hereby certify that this paper is being deposited on this date with the United States Post Office as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Viola Campos 10/29/03
(Date Signed)